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Address to: Mail Stop: Amendment P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket	GHDX-005
	Confirmation No.	5745
	First Named Inventor	Baker, Joffre B.
	Application Number	10/714,195
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	Group Art Unit	1634
	Examiner Name	SHAW, AMANDA MARIE
	Title	"Gene Expression Profiling of EGFR Positive Cancer"

DECLARATION OF JOFFRE B. BAKER, PH.D. UNDER 37 C.F.R. §1.132

I, Joffre B. Baker, Ph.D. declare as follows:

1. I am currently the Chief Scientific Officer at Genomic Health, Inc., Redwood City, CA, 94063, and am a co-inventor of the instant application.
2. I previously submitted declarations on December 21, 2006, and April 15, 2008, in the instant application, in which I stated that the 23 colon adenocarcinoma patients described in Example 2 of the specification were treated with an EGFR inhibitor selected from the group erlotinib, gefitinib, cetuximab, EMD 72000, and AEE788.
3. In preparation for responding to an Office Action, my colleagues and I at Genomic Health sought further information regarding the identity of the EGFR inhibitors used to treat the patients from Hospital Universitari Vall d'Hebron, Barcelona, Spain, where a study including the 23 patients was conducted. I received the identity of the five EGFR inhibitors indirectly from Vall d'Hebron. At the time I executed my declarations, I had no reason to believe that the information I received was erroneous.
4. However, I understand that Dr. Steve Shak, a co-inventor of the instant application, more

recently inquired with Dr. Jose Baselga at Vall d'Hebron, another co-inventor and under whose supervision the clinical study described in Example 2 of the application was conducted, in order to obtain specific information regarding the EGFR inhibitors used to treat the 23 patients. I also understand that Dr. Shak provided Irene Marimon, head of the Clinical Trials office at Vall d'Hebron and who initially generated the clinical benefit data of the 23 colon adenocarcinoma patients, with the patient identifier code that is specific for each of the 23 patients that were studied in Example 2. I further understand that Irene Marimon informed Dr. Shak in an email communication that the 23 patients were treated with either EMD 72000 alone or cetuximab, with or without chemotherapy.

5. Therefore, upon information and belief, the 23 colon adenocarcinoma patients described in Example 2 of the specification were treated with only two of the five EGFR inhibitors previously identified: EMD 72000 or cetuximab.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Date: December 1, 2009

By: Joffre B. Baker
Joffre B. Baker, Ph.D.